

1 Adopted by House 4-11-2013

2 **SB623 H ED AM 4-8 #1**

3 The Committee on Education moves to amend the bill on page  
4 one, following the enacting clause, by striking the remainder of  
5 the bill and inserting in lieu thereof the following:

6 "That §18-5B-11 of the Code of West Virginia, 1931, as amended, be  
7 amended and reenacted to read as follows:

8 **ARTICLE 5B. SCHOOL INNOVATION ZONES ACT.**

9 **§18-5B-11. Local Solution Dropout Prevention and Recovery**  
10 **Innovation Zone Act.**

11 (a) *Legislative findings, intent and purpose.*

12 The Legislature finds that:

13 (1) High school graduation is an essential milestone for all  
14 West Virginia students and impacts the future success of the  
15 individual, community and state;

16 (2) There are significant correlations between educational  
17 attainment and labor market outcomes, greater labor force  
18 participation rate, increased employment rates, improved health,  
19 and decreased levels of poverty and crime. The negative impact on  
20 these linkages is most evident in the absence of high school  
21 completion;

22 (3) Dropping out of school is a process, not an event, with  
23 factors building and compounding over time;

1           (4) Students at risk of not completing high school can be  
2 identified as early as sixth grade using the indicators of  
3 attendance, behavior and course failures. Therefore, a  
4 comprehensive graduation plan must include a comprehensive systemic  
5 approach that emphasizes early interventions;

6           (5) Research identifies a number of effective strategies for  
7 engaging students that have the most positive impact on improving  
8 high school graduation rates. Some of these strategies are  
9 school-community collaboration, safe learning environments, family  
10 engagement, early literacy development, mentoring and tutoring  
11 services, service learning opportunities, alternative and  
12 nontraditional schooling, offering multiple pathways and settings  
13 for attaining high school diplomas, after-school opportunities,  
14 individualized instruction and career and technical education;

15           (6) Schools cannot solve the dropout problem alone. Research  
16 shows when educators, parents, elected officials, business leaders,  
17 faith-based leaders, human service personnel, judicial personnel  
18 and civic leaders collectively work together they are often able to  
19 find innovative solutions to address school and community problems;  
20 and

21           (7) Increasing high school graduation rates is an important  
22 factor in preparing a college and career-ready citizenry. Higher  
23 education institutions, including community and technical colleges,  
24 are essential partners in creating local and statewide solutions.

1           (b) Therefore, the intent of the Legislature is to provide a  
2     separate category of innovation zones designated "Local Solution  
3     Dropout Prevention and Recovery Innovation Zones" intended to  
4     achieve the following purposes:

5           (1) Provide for the establishment of Local Solution Dropout  
6     Prevention and Recovery Innovation Zones to increase graduation  
7     rates and reduce the number of dropouts from West Virginia schools;

8           (2) Provide schools and communities with opportunities for  
9     greater collaboration to plan and implement systemic approaches  
10    that include evidence-based solutions for increasing graduation  
11    rates and reducing the number of dropouts;

12          (3) Provide a testing ground for innovative graduation  
13    programs, incentives and approaches to reducing the number of  
14    dropouts;

15          (4) Provide information regarding the effects of specific  
16    innovations, collaborations and policies on graduation rates and  
17    dropout prevention and recovery; and

18          (5) Document educational strategies that increase graduation  
19    rates, prevent dropouts and enhance student success.

20          (c) *Local Solution Dropout Prevention and Recovery Innovation*  
21    *Zones.*

22          A school, a group of schools or a school district may be  
23    designated as a Local Solution Dropout Prevention and Recovery  
24    Innovation Zone in accordance with the provisions of this article,

1 subject to the provisions of this section. The state board shall  
2 propose rules for legislative promulgation, including an emergency  
3 rule if necessary, in accordance with article three-b chapter  
4 twenty-nine of this code to implement the provisions of this  
5 section. All provisions of this article apply to Local Solution  
6 Dropout Prevention and Recovery Innovation Zones, including, but  
7 not limited to, the designation, application, approval, waiver of  
8 statutes, policies, rule and interpretations, employee approval,  
9 employee transfers, progress reviews, reports and revocations, and  
10 job postings, subject to the following:

11 (1) For purposes of this section, a "school, a group of  
12 schools or a school district" means a high school, a group of  
13 schools comprised of a high school and any of the elementary and  
14 middle schools whose students will attend the high school, or a  
15 school district whose graduation rate in the year in which an  
16 application is made is less than ninety percent based on the latest  
17 available school year data published by the Department of  
18 Education;

19 (2) The contents of the application for designation as a Local  
20 Solution Dropout Prevention and Recovery Innovation Zone must  
21 include a description of the dropout prevention and recovery  
22 strategies and that the school, group of schools or school district  
23 plans to implement if designated as a Local Solution Dropout  
24 Prevention and Recovery Innovation Zone, and any other information

1 the state board requires. The application also shall include a  
2 list of all county and state board rules, policies and  
3 interpretations, and all statutes, if any, identified as  
4 prohibiting or constraining the implementation of the plan,  
5 including an explanation of the specific exceptions to the rules,  
6 policies and interpretations and statutes required for plan  
7 implementation. A school, a group of schools, or school district  
8 may not request an exception nor may an exception be granted from  
9 any of the following:

10 (i) An assessment program administered by the West Virginia  
11 Department of Education;

12 (ii) Any provision of law or policy required by the No Child  
13 Left Behind Act of 2001, Public Law No. 107-110 or other federal  
14 law; and

15 (iii) Section seven, article two and sections seven-a, seven-  
16 b, eight and eight-b, article four, chapter eighteen-a of this  
17 code, except as provided in section eight of this article;

18 (3) The factors to be considered by the state board when  
19 evaluating an application shall include, but are not limited to,  
20 the following:

21 (A) Evidence that other individuals or entities and community  
22 organizations are involved as partners to collectively work with  
23 the applicant to achieve the purposes as outlined in the dropout  
24 prevention and recovery plan. These individuals or entities and

1 community organizations may include, but are not limited to,  
2 individuals or entities and community organizations such as  
3 parents, local elected officials, business leaders, faith-based  
4 leaders, human service personnel, judicial personnel, civic leaders  
5 community and technical colleges Higher education institutions;

6 (B) The level of commitment and support of staff, parents,  
7 students, the county board of education, the local school  
8 improvement council and the school's business partners as  
9 determined in accordance with this article apply to become a Local  
10 Solutions Dropout Prevention and Recovery Innovation Zone;

11 (C) The potential for an applicant to be successful in  
12 building community awareness of the high school dropout problem and  
13 developing and implementing its dropout prevention and recovery  
14 plan; and

15 (D) Implementation of the statewide system of easily  
16 identifiable early warning indicators of students at risk of not  
17 completing high school developed by the state board in accordance  
18 with section six, article eight of this chapter, known as The High  
19 School Graduation Improvement Act, along with a plan of  
20 interventions to increase the number of students earning a high  
21 school diploma;

22 (4) The rule shall provide standards for the state board to  
23 review applications for designation as a Local Solutions Dropout  
24 Prevention and Recovery Innovation Zones;

1           (5) The application for designation as a Local Solutions  
2 Dropout Prevention and Recovery Innovation Zone under this section  
3 is subject to approval in accordance with sections five and six of  
4 this article. In addition to those approval stages, the  
5 application, if approved by the school employees, shall be  
6 presented to the local school improvement council for approval  
7 prior to submission to county superintendent and board. Approval  
8 by the local school improvement council is obtain when at least  
9 eighty percent of the local school improvement council members  
10 present and voting after a quorum is established vote in favor of  
11 the application; and

12           (6) Upon approval by the state board and state superintendent  
13 of the application, all exceptions to county and state board rules,  
14 policies and interpretations listed within the plan are granted.  
15 The applicant school, group of schools or school district shall  
16 proceed to implement the plan as set forth in the approved  
17 application and no further plan submissions or approval are  
18 required, except that if an innovation zone plan, or a part  
19 thereof, may not be implemented unless an exception to a statute is  
20 granted by Act of the Legislature, the state board and state  
21 superintendent may approve the plan, or the part thereof, only upon  
22 the condition that the Legislature acts to grant the exception as  
23 provided in this article.

24           (d) A county board that enters into a truancy program

1 agreement with the circuit court of the county that (1) provides  
2 for the referral of truant juveniles for supervision by the court's  
3 probation office pursuant to section eleven, article five, chapter  
4 forty-nine of this code and (2) requires the county board to pay  
5 the costs of the probation officer or officers assigned to  
6 supervise truant juveniles, may apply to the state board for a  
7 dropout prevention and recovery innovation zone grant for  
8 reimbursement of one-half of the costs of the probation officer or  
9 officers. This application is not subject to any of the  
10 requirements for other applications under this section. The state  
11 board shall coordinate the application deadlines and grant  
12 approvals under this section to ensure funding for this purpose.  
13 If the funds available are insufficient to award all eligible grant  
14 applications at the full amount, the award amounts shall be reduced  
15 prorata.

16 ~~(d)~~ (e) *Local solutions dropout prevention and recovery fund.*

17 There is hereby created in the State Treasury a special  
18 revenue fund to be known as the "Local Solutions Dropout Prevention  
19 and Recovery Fund." The fund shall consist of all moneys received  
20 from whatever source to further the purpose of this article. The  
21 fund shall be administered by the state board solely for the  
22 purposes of this section. Any moneys remaining in the fund at the  
23 close of a fiscal year shall be carried forward for use in the next  
24 fiscal year. Fund balances shall be invested with the state's



1 consolidated investment fund and any and all interest earnings on  
2 these investments shall be used solely for the purposes that moneys  
3 deposited in the fund may be used pursuant to this section.